

Vermont Enhanced 911 Board

DRAFT Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

Incorporating Act 125 (s. 301) Requirements July 17, 2020

1.0 Authority

This rule is adopted pursuant to Vt. Act 125 (2020) and 30 V.S.A. § 7053.

2.0 Purpose

The purpose of this rule is to establish protocols for the Enhanced 911 Board (the Board) to obtain information about or be apprised of, in a timely manner, system outages applicable to wireless service providers, to providers of facilities-based, fixed voice service that is not line-powered, and to electric companies for the purpose of enabling the Board to assess 911 service availability during such outages. This rule also updates and incorporates existing protocols for the 911 Board to obtain information about or be apprised of, in a timely manner, system outages applicable to facilities-based, fixed voice service this is line-powered.

3.0 Definitions

3.1 Commercial Mobile Radio Service (CMRS): A Federal Communications Commission (FCC) designation for any carrier or licensee whose wireless network is connected to the public switched telephone network.

3.2 Electric Power Company: A company that provides distribution of electricity to residential and/or business customers.

3.3 Originating Carrier (OC) – Also known as originating service provider, an entity that provides voice services to a subscriber.

3.4 Outages

3.4.1 Originating Carrier Outage (OCO): Any known degradation or loss of network elements, systems, services and/or transport facilities that prevent the OC's subscribers from being able to complete a call to, or communicate with, 911. An OCO includes, but is not limited to, any loss of 911 calling capacity caused by an OC's network failure.

3.4.2 Wireless Service Outage (WSO): Any known degradation or loss of network elements, systems, services and/or transport facilities that prevent the subscribers of a wireless service, also known as cellular service, from being able to complete a call to, or communicate with, 911. A WSO includes, but is not limited to, any loss of 911 calling capacity caused by a wireless service network failure.

Vermont Enhanced 911 Board

DRAFT Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

Incorporating Act 125 (s. 301) Requirements July 17, 2020

3.4.3 Electric Power Outage: Any known failure or failures that prevent the electric power company from distributing electricity to residential and/or business customers.

3.5 System Provider - An entity that provides the systems and support necessary to enable 911 calling for one or more Public Safety Answering Points (PSAPs) in a specific geographic area.

3.6 Voice Service - A service that provides voice transmission services. These services are provided over a network that transmits any combination of voice, video and/or data between users. Voice service is provided by an OC that could be, but is not limited to, a facilities-based fixed voice service that is line powered, a facilities-based fixed voice service that is not line powered, or a Commercial Mobile Radio Service provider.

3.7 ZIP code – the five-digit postal code established by the United States Postal Service. For purposes of this rule, a ZIP code associated only with (1) a Post Office box, or (2) a single physical address, shall be deemed part of the nearest ZIP code not meeting the descriptions of (1) or (2) of this definition for determining thresholds and reporting purposes.

4.0 Notification Requirements for Originating Carriers

4.1 All facilities-based fixed voice service OC's providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known OCO that lasts at least 30 minutes and potentially limits or prevents (A) 100 or more subscribers in a single ZIP code or (B) at least 50% of subscribers in a ZIP code with fewer than 100 subscribers, from completing calls to, or communicating with, 911

4.1.1 The OC shall notify the 911 system provider and the Board within two hours of discovery of each occurrence, or as soon as reasonably possible, and shall provide updates as they become available and/or at the request of the Board.

4.1.2 The facilities-based fixed voice service OC's outage notification to the 911 system provider and the Board shall include, to the extent that it is known, the following information:

- OC name
- Location of affected facility
- Affected ZIP code

Vermont Enhanced 911 Board

DRAFT Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

Incorporating Act 125 (s. 301) Requirements July 17, 2020

- Approximate subscriber physical locations – including town or community name
- Approximate number of subscribers affected
- Date and time outage began
- Estimated date and time for restoration of service
- Cause
- Description of the limitation of 911 calling capability: Example - Subscribers are receiving dial-tone and can make calls to other local subscribers but cannot complete calls to 911.
- Contact Name
- Contact Phone
- 24/7 contact if different from above contact

4.1.3 A restoration of service report shall be provided to the 911 system provider and the Board within two hours of resolution of the outage or as soon as reasonably possible and shall include, to the extent it is known, the following information:

- OC name
- Location of affected facility
- Affected ZIP codes
- Approximate subscriber physical locations to include identification of street or section of road, if available, and town or community name.
- Actual restoration time
- The call back number(s) of any subscribers that attempted to reach 911, but were unable to do so, due to the outage, if available.
- Any other information requested in the initial notification that was previously unavailable or unverified such as cause, or number of subscribers affected.

4.2 All Commercial Mobile Radio Service (CMRS) OC's providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known WSO that lasts at least 30 minutes and limits or prevents OC's subscribers in at least 50% of the OC's coverage area within a single ZIP code from completing calls to, or communicating with, 911.

4.2.1 The OC shall notify the 911 system provider and the Board within two hours of discovery of each occurrence, or as soon as reasonably possible, and shall provide updates as they become available and/or at the request of the Board.

Vermont Enhanced 911 Board

DRAFT Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

Incorporating Act 125 (s. 301) Requirements July 17, 2020

4.2.2 The CMRS OC's outage notification to the 911 system provider and the Board shall include, to the extent it is known, the following information:

- OC Name
- Location of affected facility
- Affected ZIP codes with associated town names
- Approximate number of subscribers affected
- Date and time outage began
- Estimated date and time for restoration of service
- Cause
- Description of the limitation of 911 calling capability: Example - Subscribers can make calls to local subscribers but cannot complete calls to 911.
- Contact Name
- Contact Phone
- 24/7 contact if different from above contact

4.2.3 A restoration of service report shall be provided to the 911 system provider and the Board within two hours of resolution of the outage or as soon as reasonably possible, and shall include, to the extent it is known, the following information:

- OC name
- Location of affected facility
- Affected ZIP codes with associated town names
- Approximate number of subscribers affected
- Actual restoration time
- the call back number(s) of any subscribers that attempted to reach 911, but were unable to do so, due to the outage, if available.
- Any other information requested in the initial notification that was previously unavailable or unverified such as cause, or number of subscribers affected.

4.3 The Board may request additional details about the cause of the outage and any mitigating steps taken to prevent future outages of a similar nature. All OCs shall work cooperatively with the Board to provide the level of detail needed to assist the Board in its assessment of the outage and its impact on access to 911 for the affected subscribers.

Vermont Enhanced 911 Board

DRAFT Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

Incorporating Act 125 (s. 301) Requirements July 17, 2020

5.0 Notification Requirements for Electric Power Companies

5.1 Electric power companies shall provide a detailed monthly report on all outages affecting 25 or more customers and lasting 8 or more hours to the Board by the 15th of each month.

5.1.1 Quarterly reporting may be allowed if, in the judgment of the Board, that frequency will allow for sufficient and timely information gathering.

5.2 The monthly reports will be provided in CSV, XML, Excel or other importable dataset accepted by the Board, and will include, at a minimum:

- Date and time of outage
- Date/time of restoration of service
- Approximate number of impacted customers
- Location of outage and approximate subscriber physical locations including identification of street or section of road, if available, and town or community name.
- Cause of the outage

6.0 Confidentiality

6.1 Information that is properly exempt from public disclosure under Vermont Public Records Law shall be maintained confidentially by the Board. Information that is not exempt from disclosure will be released in response to public records requests.

6.2 All report submitters shall mark information they believe to be exempt from public disclosure and provide for each the subsection of 1 V.S.A. §§ 315-320 upon which they rely. Such marks may be considered but are not binding on the Board in responding to public requests.

7.0 Effective Date

7.1 Mandatory outage reporting will begin as soon as originating carriers and electric power companies are technically capable of providing the information but no later than six months after adoption of the final rule.

8.0 Enforcement

8.1 Pursuant to section 30 V.S.A. § 7061(a), the Enhanced 911 Board may file a civil action for injunctive relief in Washington County Superior Court to enforce this rule. The Court shall award the Board its costs and reasonable attorneys' fees in the event that the Board prevails in an action under this subsection.